IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

Bail Appl..No. 7211 of 2007()

: PETITIONERS/ACCUSED 1 TO 3

1. NAZIYA SULTHANA, NAZIL MANZIL,
NANDANATH MEETHAL HOUSE, KOMMERY POST,
PIN.673001.

2. SHINJESH, METIL PARAMBU,
P.O.MALAPARAMBA, CALICUT.

3. SHIBU, VAZHAKKANGIL HOUSE,
ERANHIPALAM P.O., CALICUT 673 006.

BY ADV. SRI.P.B.SAHASRANAMAN

RESPONDENTS: STATE

1. STATE OF KERALA, REPRESENTED BY ITS
DIRECTOR OF PROSECUTIONS, HIGH COURT OF KERALA,
ERNAKULAM.

2. THE CIRCLE INSPECTOR OF POLICE,
NADAKKAVU, KOZHIKODE.

3. THE SUB INSPECTOR OF POLICE,
VELLAYIL, KOZHIKODE.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R.BASANT, J**

---

**B.A.No.7211 of 2007**

---

**Dated this the 3rd day of December, 2007**

**ORDER**

Application for anticipatory bail. Petitioners are the wife and 2 coworkers of the wife. The defacto complainant is the husband of the 1st accused. Altogether there are 4 accused persons - 2 are named in the F.I.R and 2 are not named. The allegation is that they attacked the husband of the 1st accused with iron rod at 7.45 p.m on 25.09.07.

2. There are bitter disputes between the spouses. Maintenance claim as also a petition for custody of the child are pending before the Family Court. The maintenance claim has been allowed by the Family Court and the challenge against that is pending before this Court. The alleged incident took place at 7.45 p.m on 25.09.07. There are allegations and counter allegations raised by the rival contestants about the very same incident. The police have registered crimes under Section 308 I.P.C in respect of the allegations and counter allegations.

3. The learned counsel for the petitioners submits that the allegations are totally false. Vexatious and exaggerated allegations are being raised solely because of the strain in the

relationship between the parties. The petitioners pray that direction under Section 438 Cr.P.C may be issued in these circumstances.

4. The learned Public Prosecutor does not oppose the application. The learned Public Prosecutor in response to a specific query by this Court has taken this Court through the nature of the injuries described in the wound certificate issued in respect of the husband. Having considered all the relevant inputs, I am satisfied that anticipatory bail can be granted to the petitioners herein subject, of course, to appropriate conditions.

5. In the result, this bail application is allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioners shall appear before the learned Magistrate at 11 a.m on 10.12.2007. They shall be enlarged on regular bail on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 3 p.m on 11.12.2007 and 12.12.2007. During this period, the

Investigating Officer shall be at liberty to question the accused in custody and take all necessary steps for the proper conduct of the investigation. Thereafter the petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays for a period of one month and subsequently as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if those directions were not issued at all;

iv) If the petitioners were arrested prior to their surrender on 10.12.2007 as directed in clause (1) above, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 10.12.2007.

**(R.BASANT, JUDGE)**

rtr/-